

**SUPREME COURT MINUTES  
WEDNESDAY, FEBRUARY 28, 2001  
SAN FRANCISCO, CALIFORNIA**

S094039      The People, Plaintiff and Respondent  
4th Dist.      v.  
G024883      Robert Gene Sinohui, Defendant and Appellant  
Div. 3      Petition for review GRANTED.

George, C.J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

S094088      The People, Plaintiff and Respondent  
5th Dist.      v.  
F033862      Arlene Dena Sanders et al., Defendants and Appellants  
                Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Moss*, S087478 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.  
Mosk, J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

S094248 Christine Degrassi, Plaintiff and Appellant  
2nd Dist. v.  
B136407 Arthur Cook, as City Manager, et al., Defendants and Respondents  
Div. 4 Petition for review GRANTED.

George, C.J.  
Baxter, J.  
Werdegar, J.  
Chin, J.

S069023 In re George Edward Marshall  
on  
Habeas Corpus

The Director of Corrections is ordered to show cause in this court, when the proceeding is ordered on calendar, why petitioner is not entitled to reversal of his guilt judgment because the withdrawal of his first trial counsel denied him the effective assistance of counsel (claim A), the presentation of Gary Brady's false testimony at trial denied him due process (claim B), the trial court's refusal to review or disclose Gary Brady's correctional records denied him a fair trial, due process and the right of confrontation (claim F), and trial counsel's failure to investigate David Moore (claim J) and to investigate the physical evidence and present expert testimony (claim O) denied him the effective assistance of counsel.

The written return shall be served and filed on or before March 30, 2001.

George, C.J.  
Mosk, J.  
Kennard, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

1st Dist.      America Online, Inc., Petitioner  
A092813      v.  
Div. 2      Alameda County Superior Court, Respondent  
S094445      Al Mendoza, Jr., Real Party in Interest  
Petition for review GRANTED.

The matter is transferred to the Court of Appeal, First Appellate District, Division Two, with directions to vacate its order denying mandate and to issue an order directing respondent superior court to show cause why the relief sought in the petition should not be granted.

George, C.J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

6th Dist.      People, Respondent  
H017202      v.  
S079992      Matthew Jennings, Appellant

The above-entitled review is hereby transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its decision and to reconsider the cause in light of *Benjamin Lee Lilly v. Virginia* (1999) 527 U.S. 116.

George, C.J.  
Mosk, J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

S074941 People, Respondent  
3rd Dist. v.  
C026759 Ricardo Vasquez, Appellant

Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, Third Appellate District.

George, C.J.  
Mosk, J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

S077240 People, Respondent  
4th Dist. v.  
D028459 Richard Lane Ruse, Appellant  
Div. 1

Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, Fourth Appellate District, Division One.

George, C.J.  
Mosk, J.  
Kennard, J.  
Baxter, J.  
Werdegar, J.  
Chin, J.  
Brown, J.

S080149 People, Respondent

1st Dist. v.

A078379 Daryl B. Haynes, Appellant

Div. 4

Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, First Appellate District, Division Four.

Appellant's Motion to Expand Briefing is denied as moot.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S034725 In re Andre Burton

on

Habeas Corpus

BY THE COURT:

In the matter of Andre Burton on Habeas Corpus, S034725 (related to People v. Andre Burton, Los Angeles County Superior Court case number A026664), good cause appearing, the appointment of Judge Gregory W. Alarcon to sit as referee in this matter is vacated.

The Presiding Judge of the Los Angeles County Superior Court shall select another judge of that court to sit as a referee in this proceeding and that court shall promptly notify this court of the referee selected.

After appointment by this court, the referee, after proper notice to the parties, is directed to hold an evidentiary hearing and to make findings upon the following questions:

1. Did petitioner give Attorney Ron Slick or his investigator the names of witnesses he believed should be interviewed and tell Slick that those witnesses could support a guilt phase defense or defenses? If so, when did petitioner do so, who are those witnesses, and what theory or theories of defense did petitioner tell Slick those witnesses would support? In particular, did petitioner tell Slick that he wanted

Slick to present an alibi defense and/or defend on the ground that the eyewitness identification was mistaken or could be undermined by other eyewitnesses?

2. Did petitioner tell Slick that petitioner's purported confession had been falsified? If so, when did he do so, and did Slick have any reason to believe that the officer or officers who reportedly took the confession were not credible?

3. If petitioner gave Slick the names of potential guilt phase defense witnesses, did Slick or his investigator interview those witnesses, when did they do so, what information did they obtain from the witnesses, and of what potential prosecution rebuttal or impeachment evidence was Slick aware when he developed his trial strategy? Did Slick have reason to believe that those witnesses would not be credible?

4. Did Slick keep petitioner informed of Slick's trial plans and/or discuss trial strategy with petitioner and, in particular, did he tell petitioner that Slick did not intend to call witnesses or put on a guilt phase defense because Slick believed that a guilt phase defense likely would be unsuccessful and would make the penalty phase defense less credible? If so, when and in what circumstances did Slick advise petitioner of this? If not, did Slick discuss his planned guilt phase defense with petitioner, when did he do so, and what did he tell petitioner?

5. If Slick discussed a planned guilt phase strategy of presenting no defense with petitioner, did petitioner then or thereafter object (other than in open court during or before trial) and tell Slick that, notwithstanding Slick's conclusion about presenting a guilt phase defense, petitioner wanted a guilt phase defense presented? If so, when did petitioner do so and what was Slick's response?

6. Did Slick have reason to believe that petitioner's in court requests to represent himself were made for the purpose of delaying trial, rather than dissatisfaction with Slick's trial strategy?

7. Was Slick aware of potential witnesses Elizabeth Black, Ora Trimble, Gloria Burton, Michael Stewart, Susan Camacho and Zarina Khwaja, and, as to each, if so did Slick have reason to believe the testimony of each would be incredible or insufficiently probative to justify presenting them at the guilt phase?

8. Did petitioner tell or make clear to Slick's investigator that he wanted to put on a guilt phase defense? If so, when did he do so and did the investigator relay that information to Slick?

9. Would the potential witnesses, if any, identified by petitioner,

have been credible, would they have enabled Slick to put on a credible defense, and did Slick have reason to believe that any would commit perjury if they testified as suggested by petitioner?

10. In particular:

a. Did Detective William Collette tell Slick that Elizabeth Black told him that she did not know petitioner's whereabouts at the time and on the day of the charged homicide?

b. Did Black tell Collette that she did not know petitioner's whereabouts at the time and on the day of the charged homicide?

c. Did Collette tell Slick that Ora Trimble told him that petitioner had asked her to provide him with a false alibi for the charged homicide?

d. Did Ora Trimble tell Collette that petitioner had asked her to provide him with a false alibi for the charged homicide?

11. In sum, did Slick override a clearly expressed desire of petitioner to put on a guilt phase defense, and, if so, would that defense have been credible? (*People v. Frierson* (1985) 39 Cal.3d 803, 814-815.)

It is further ordered that the referee prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, of the evidence adduced, and of the findings of fact made.

S091097  
4th Dist.  
E025572  
Div. 2

Brian McKown, Plaintiff and Respondent  
v.

Wal-Mart Stores, Inc., Defendant and Appellant

Review was granted in this matter on October 18, 2000, and briefing ordered deferred pending consideration and disposition of a related issue in *Camargo v. Tjaarda Dairy*, S088632, or pending further order of the court.

Appellant is now directed to serve and file a Brief on the Merits on or before March 30, 2001. Additional briefing is to be served and filed in a timely fashion. (See rule 29.3(a), Cal. Rules of Court.)

The issue to be briefed and argued shall be limited to whether, under our decisions in *Privette v. Superior Court* (1993) 5 Cal.4th 689 and *Toland v. Sunland Housing Group, Inc.* (1998) 18 Cal.4th 253, an employee of an independent contractor is barred from pursuing a lawsuit against the hirer of the independent contractor on the theory the hirer negligently provided unsafe equipment.

S091601 California Department of Transportation, Defendant and Respondent  
2nd Dist. v.

B128914 Roseanne Hooker, Plaintiff and Appellant

Div. 4 Review was granted in this matter on November 1, 2000, and briefing ordered deferred pending consideration and disposition of a related issue in *Camargo v. Tjaarda Dairy*, S088632, or pending further order of the court.

Respondent is now directed to serve and file a Brief on the Merits on or before March 30, 2001. Additional briefing is to be served and filed in a timely fashion. (See rule 29.3(a), Cal. Rules of Court.)

The issue to be briefed and argued shall be limited to whether, under our decisions in *Privette v. Superior Court* (1993) 5 Cal4th 689 and *Toland v. Sunland Housing Group, Inc.* (1998) 18 Cal.4th 253, an employee of an independent contractor is barred from pursuing a lawsuit against the hirer of the independent contractor on the theory the hirer negligently exercised control it had retained.

S085899 Clarence Albertson, Petitioner

2nd Dist. v.

B135604 Ventura County Superior Court, Respondent

Div. 6 People, Real Party in Interest

Petitioner's application for specification of an additional issue, filed September 22, 2001, is denied.

S094152 In re Renovizor's Inc., Debtor

9th Cir.

99-15827 California State Board of Equalization, Appellee

v.

Renovizor's Inc., Debtor-Appellant

Request for certification DENIED.

Kennard, J., is of the opinion the request should be accepted.

S094244 In re Vincent Chee Kwan Chan on Admission  
Petition for writ of review DENIED.



S084324      In re Charles D. Riel  
                 on  
                 Habeas Corpus

The petition for writ of habeas corpus filed on December 15, 1999, is denied. Claim 8 is denied on the ground that it was raised and rejected on appeal. (*In re Waltreus* (1965) 62 Cal.2d 218, 225.) To the extent claim 10 was raised and rejected on appeal, it is barred by *In re Waltreus, supra*, 62 Cal.2d 218; to the extent claim 10 was not raised on appeal, it is barred by *In re Dixon* (1953) 41 Cal.2d 756, 759. All claims are also denied on the merits.

Mosk, J., and Brown, J., would deny the petition solely on the merits.

S090846      In re Andre Stephen Alexander  
                 on  
                 Habeas Corpus

Petition for writ of habeas corpus DENIED.

S094994      In re Richard Allen Benson  
                 on  
                 Habeas Corpus

The petition for writ of habeas corpus is denied on the merits.

In addition, Claim One, to the extent that it is not based on the Fourth Amendment to the United States Constitution, Claim Two, and Claim Three are each barred on procedural grounds as untimely (see *In re Robbins* (1998) 18 Cal.4th 770; *In re Clark* (1993) 5 Cal.4th 750) and successive (see *In re Robbins, supra*, 18 Cal.4th 770; *In re Clark, supra*, 5 Cal.4th 750; *In re Horowitz* (1949) 33 Cal.2d 534). Claim One, to the extent that it is based on the Fourth Amendment to the United States Constitution, is not cognizable on habeas corpus. (See *In re Lessard* (1965) 62 Cal.2d 497.)

Mosk, J., and Brown, J., would deny the petition solely on the merits.

Orders were filed in the following matters denying petition for writ of habeas corpus:

- S088250 - In re William James Johnson, III. on Habeas Corpus.
- S089329 - In re P.F. Lazor on Habeas Corpus. Petition for writ of habeas corpus is DENIED on the merits and for lack of diligence
- S089793 - In re Douglas T. Russell on Habeas Corpus.
- S090045 - In re Brad Broadnax on Habeas Corpus.
- S090392 - In re Cedric Cotton on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Waltreus* (1965) 62 Cal.2d 218.)
- S091211 - In re Cedric Cotton on Habeas Corpus.
- S091280 - In re Miguel Rosas on Habeas Corpus.
- S091370 - In re Eugene Everett Welch on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Duvall* (1995) 9 Cal.4th 464, 474.)
- S091390 - In re Christopher Dupree on Habeas Corpus.
- S091503 - In re Joey Jaquez on Habeas Corpus.
- S091522 - In re Daniel Saitta on Habeas Corpus.
- S091684 - In re Cesari Hardiman on Habeas Corpus.
- S091725 - In re Mario Johnson on Habeas Corpus.
- S091831 - In re Darryl Rashee Smith on Habeas Corpus.
- S091843 - In re Bobbie Edelen on Habeas Corpus.
- S091864 - In re Tommy Brown on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Robbins* (1998) 18 Cal.4th 770, 780; *In re*

*Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474.)

- S091879 - In re Lugean Thomas on Habeas Corpus.
- S091890 - In re Dennis McBride on Habeas Corpus.
- S091918 - In re Robert Avery on Habeas Corpus.
- S091938 - In re Pablo Mejia on Habeas Corpus.
- S091953 - In re Freddie Gonzales on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
- S091980 - In re Thomas Paul Drake on Habeas Corpus.
- S092019 - In re Sean Idlett on Habeas Corpus.
- S092052 - In re Juan Moreno Haines on Habeas Corpus.
- S092056 - In re Kevin Kyle Duffie on Habeas Corpus.
- S092158 - In re Curtis Garrett on Habeas Corpus.
- S092075 - In re E. J. Ekdahl on Habeas Corpus.
- S092076 - In re Donald Ray Jackson on Habeas Corpus.
- S092088 - In re Daryl A. Sweat on Habeas Corpus.
- S092091 - In re Daniel Burgie on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Dixon* (1953) 41 Cal.2d 756.)
- S092095 - In re Douglas Bowman on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)
- S092099 - In re Darnell Dickens on Habeas Corpus.
- S092106 - In re Jesus C. Jimenez on Habeas Corpus.

- S092156 - In re Phillip Rodriguez on Habeas Corpus.
- S092162 - In re Cameron Lee Hill on Habeas Corpus.
- S092166 - In re Michael Flores on Habeas Corpus. Petition for writ of habeas corpus is DENIED.  
Mosk, J., is of the opinion an order to show cause should issue.
- S092192 - In re Booker T. Hillery, Jr. on Habeas Corpus.
- S092194 - In re Gene Moore on Habeas Corpus.
- S092197 - In re Richard Cardoza Hernandez on Habeas Corpus.
- S092200 - In re Carlos Fuentes on Habeas Corpus.
- S092201 - In re Donald Thomas Gibbs on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Clark* (1993) 5 Cal.4th 750.)
- S092204 - In re David Allen on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756.)
- S092206 - In re Hector Victor Sanchez on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Miller* (1941) 17 Cal.2d 734.)
- S092208 - In re Tommy Ray Brown on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Miller* (1941) 17 Cal.2d 734.)
- S092213 - In re Bernard Thomas on Habeas Corpus.
- S092219 - In re Jaime E. Beltran on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Waltreus* (1965) 62 Cal.2d 218, 225.)
- S092238 - In re James Martin on Habeas Corpus.

- S092239 - In re Richard C. Bell on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)
- S092242 - In re Verne Hogue on Habeas Corpus.
- S092253 - In re Kevin Lamar Smith on Habeas Corpus.
- S092258 - In re Donald Thomase Gibbs on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Clark* (1993) 5 Cal.4th 750.)
- S092269 - In re Guy Carlson on Habeas Corpus.
- S092271 - In re Robert L. Combs on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Clark* (1993) 5 Cal.4th 750; *In re Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756; *In re Miller* (1941) 17 Cal.2d 734.)
- S092304 - In re Tony Woods on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Clark* (1993) 5 Cal.4th 750.)
- S092305 - In re Steven R. Elias on Habeas Corpus. Petition for writ of habeas corpus is DENIED.  
Mosk, J., is of the opinion an order to show cause should issue.
- S092306 - In re Orlando Burgo on Habeas Corpus.
- S092307 - In re Clifford Ferguson on Habeas Corpus.
- S092310 - In re Mario Banuelos on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756.)
- S092311 - In re Jerry Johnson on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Waltreus* (1965) 62 Cal.2d 218.)
- S092314 - In re Mitchell Moore on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756; *In re Lessard* (1965) 62 Cal.2d 497, 503; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474.)

- S092319 - In re Freddie Dean Snider on Habeas Corpus.
- S092346 - In re Jesus Garcia on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304.)
- S092347 - In re Luis Botello on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304.)
- S092349 - In re Jason Perez on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756; *In re Waltreus* (1965) 62 Cal.2d 218.)
- S092352 - In re Jerry Wayne Paredes on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474.)
- S092358 - In re Leslie Wayne Arrechea on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Clark* (1993) 5 Cal.4th 750; *In re Lindley* (1947) 29 Cal.2d 709, 723; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756.)
- S092363 - In re Ollie M. Miller on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756.)  
Mosk, J., is of the opinion an order to show cause should issue.
- S092370 - In re Randy Radanovich on Habeas Corpus.
- S092376 - In re Lorenzo Mora on Habeas Corpus.
- S092385 - In re Andrew Piazza on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474.)
- S092389 - In re Michael C. Dobbs on Habeas Corpus.

- S092398 - In re Michael Todd Smith on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474.)
- S092413 - In re Jesus Manuel Gamboa on Habeas Corpus.
- S092418 - In re Timothy J. Seeboth on Habeas Corpus.
- S092453 - In re David Galvez on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304.)
- S092474 - In re Derrick Shawn Jett on Habeas Corpus. Petition for writ of habeas corpus is DENIED on the merits and for lack of diligence.
- S092475 - In re Antonio L. Walker on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Robbins* (1998) 18 Cal.4th 770, 780.)
- S092481 - In re Jerry June Claborn on Habeas Corpus.
- S092484 - In re Colvin McCright on Habeas Corpus.
- S092500 - In re Erskine F. Mack on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Miller* (1941) 17 Cal.2d 734.)
- S092504 - In re Joseph David Brown on Habeas Corpus.
- S092533 - In re Cleothea Jones on Habeas Corpus. Petition for writ of habeas corpus DENIED as moot.
- S092535 - In re Ricky Duncan on Habeas Corpus. Petition for writ of habeas corpus is DENIED on the merits.
- S092541 - In re Anthony L. Brown on Habeas Corpus.

- S092561 - In re Bennie Stephens on Habeas Corpus.
- S092564 - In re Colin Johnson on Habeas Corpus.
- S092588 - In re David Moore on Habeas Corpus.
- S092590 - In re Elizabeth Garcia on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*People v. Devaughn* (1977) 18 Cal.3d 889, 896.)
- S092592 - In re Damita Jo Farris on Habeas Corpus.
- S092594 - In re John W. Bledsoe on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218.)
- S092607 - In re Mark A. Abasta on Habeas Corpus.
- S092610 - In re Martin Frutos Jr. on Habeas Corpus.
- S092636 - In re Solomon C. Washington on Habeas Corpus.
- S092666 - In re Tommy Phillips on Habeas Corpus. Petition for writ of habeas corpus is DENIED.  
Mosk, J., is of the opinion an order to show cause should issue.
- S092688 - In re Patrick Romero on Habeas Corpus. Petition for writ of habeas corpus is DENIED on the merits.
- S092695 - In re Marcos A. Lomeli on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709; *In re Duvall* (1995) 9 Cal.4th 464, 474; *In re Yurko* (1974) 10 Cal.3d 857, 866-867.)
- S092706 - In re Anthony L. Smith on Habeas Corpus.
- S092718 - In re Bronico D. Jeffers on Habeas Corpus.
- S092719 - In re Richard Lynn Jones on Habeas Corpus.



- S092724 - In re Mike Verbos on Habeas Corpus.
- S092730 - In re Sabino O. Maldonado on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304.)
- S092732 - In re Gerald Sage on Habeas Corpus.
- S092733 - In re Robert Runninghawk on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474.)
- S092734 - In re Carlos Martinez on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Lessard* (1965) 62 Cal.2d 497, 503; *In re Waltreus* (1965) 62 Cal.2d 218.)
- S092739 - In re Kenneth Wayne Bradford on Habeas Corpus.
- S092833 - In re Victor Legans on Habeas Corpus.
- S092846 - In re Maximiliano Sergio Torres on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Wessley W.* (1981) 125 Cal.App.3d 240, 246.)
- S092943 - In re Richard Coronado on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)
- S092981 - In re Emilio V. Hernandez on Habeas Corpus.
- S092982 - In re Derrick James Young on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)
- S092393 - In re Grant E. Hatcher on Habeas Corpus. Petition for writ of habeas corpus is DENIED on the merits.
- S092526 - In re Roderick H. Gibson on Habeas Corpus.

- S092586 - In re Derald Lee Givens on Habeas Corpus.
- S093164 - In re Derrick S. Jett on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756; *In re Robbins* (1998) 18 Cal.4th 770, 780.)  
Mosk, J., is of the opinion an order to show cause should issue.
- S093167 - In re Christopher Dupree on Habeas Corpus.
- S093382 - In re Anthony L. Smith on Habeas Corpus.
- S093622 - In re Victor Legans on Habeas Corpus.
- S094113 - In re James L. Houston on Habeas Corpus. Petition for writ of habeas corpus is DENIED.  
Mosk, J., is of the opinion an order to show cause should issue.
- S094788 - In re Charles H. Carr on Habeas Corpus.
- S094804 - In re Edward Keith Gulbrandson on Habeas Corpus. Petition for writ of habeas corpus is DENIED. (*In re Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)
- 1st Dist. People, Respondent  
A076953 v.  
Div. 3 James Earl Rivera, Appellant  
S093941 Petition for review DENIED.
- 1st Dist. People, Respondent  
A084978 v.  
A086796 James L. Houston, Appellant  
Div. 3 Petition for review DENIED.  
S093996 Mosk, J., is of the opinion the petition should be granted.
- 1st Dist. Louis Pettus, Appellant  
A085228 v.  
Div. 2 E.I. Dupont De Nemours & Company Inc., et al., Appellants  
S094115 Petition for review DENIED.

1st Dist. A086136 Div. 2 S094678	In re Vladimir K., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Vladimir K., Appellant And Companion Cases Petition for review DENIED.
1st Dist. A087262 Div. 3 S094680	People, Respondent v. Kevin James Sckruggs, Appellant Petition for review DENIED.
1st Dist. A087405 Div. 4 S093950	Siskana Eisenbise, a Minor, etc., Appellant v. Vallejo City Unified School District, Respondent Petition for review DENIED. The request for an order directing publication of the opinion is DENIED.
1st Dist. A087494 Div. 4 S093610	People, Respondent v. Joshua Harvest, Appellant Petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.
1st Dist. A088298 Div. 5 S094679	People, Respondent v. Carlos Sebastian Smith, Appellant Petition for review DENIED.
1st Dist. A088416 Div. 4 S094233	City and County of San Francisco, Appellant v. Dennis L. Givens, Respondent Petition for review DENIED. Kennard, J., is of the opinion the petition should be granted.

1st Dist. County of Sonoma, et al., Respondents  
A089524 v.  
Div. 1 Commission on States Mandates, et al., Appellants  
S094077 Petition for review DENIED.  
Kennard, J., and Baxter, J., are of the opinion the petition should  
be granted.

1st Dist. In re the Marriage of Kim McBride and Anthony Walker  
A089537 -----  
Div. 4 Anthony J. Walker, Respondent  
S094771 v.  
Kim E. McBride, Appellant  
Petition for review DENIED.

1st Dist. People, Respondent  
A089744 v.  
Div. 2 Juan Stitt, Appellant  
S094698 Petition for review DENIED.

1st Dist. People, Respondent  
A089782 v.  
Div. 1 Shannon Sims, Appellant  
S094745 Petition for review DENIED.

1st Dist. People, Respondent  
A090881 v.  
Div. 1 Brian Dominic Colley, Appellant  
S094641 Petition for review DENIED.

1st Dist. The Saw Mill, Petitioner  
A093510 v.  
Div. 5 Alameda County Superior Court, Respondent  
S094569 John and Jane Doe, et al., Real Parties in Interest  
Petitions for review DENIED.

2nd Dist. James F. Parker, Appellant  
B130801 v.  
Div. 4 Clinton H. Glenney, et al., Respondents  
S094256 Petition for review DENIED.

2nd Dist. People, Respondent  
B131733 v.  
Div. 2 Tony Leavon Curtis, Appellant  
S094406 Petition for review DENIED.

2nd Dist. People, Respondent  
B133214 v.  
Div. 4 Angel Mejia, Appellant  
S094726 Petition for review DENIED.

2nd Dist. People, Respondent  
B133990 v.  
Div. 2 Cesar Alejandro Isaac, Appellant  
S093955 Petition for review DENIED.

2nd Dist. Estate of Marjorie Deegan MacDougall, Deceased  
B134030 -----  
Div. 3 Nancy Styles, Appellant  
S094847 v.  
Daniel Bertonneau, Respondent  
Petition for review DENIED.

2nd Dist. People, Respondent  
B134066 v.  
Div. 6 Nathan McKinney, Appellant  
S094697 Petition for review DENIED.

2nd Dist. People, Respondent  
B134514 v.  
Div. 1 German Esparza et al., Appellants  
S093826 Petitions for review DENIED.

2nd Dist. People, Respondent  
B134515 v.  
Div. 2 Steven Ernest Brown, Appellant  
S094718 Petition for review DENIED.

2nd Dist. People, Respondent  
B135309 v.  
Div. 1 Amber Lee Williams, Appellant  
S094222 Petition for review DENIED.

2nd Dist. B136080 Div. 6 S094657	People, Respondent v. Harold Lloyd Robertson et al., Appellants Petitions for review DENIED.
2nd Dist. B136224 Div. 3 S094810	People, Respondent v. George Ivan Anderson, Appellant Petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.
2nd Dist. B136404 Div. 6 S094656	People, Respondent v. Martin Allen Lopez, Jr., Appellant Petition for review DENIED.
2nd Dist. B136516 Div. 2 S094018	People, Respondent v. William Mays, Appellant Petition for review DENIED.
2nd Dist. B136894 Div. 6 S094602	Kathleen P. March, Appellant v. Humphrey & Giacopuzzi Veterinary Group, Inc., Respondent Petition for review DENIED.
2nd Dist. B137591 Div. 5 S094853	Waltraud Krause, Appellant v. Otto Nemenz, Respondent Petition for review DENIED.
2nd Dist. B137700 Div. 6 S094701	People, Respondent v. Juan Jose Vasquez, Appellant Petition for review DENIED.
2nd Dist. B138170 Div. 3 S094695	People, Respondent v. Damian Hector Fernandez, Appellant Petition for review DENIED.

2nd Dist. People, Respondent  
B138664 v.  
Div. 7 Shannon Deandre Scott, Appellant  
S094768 Petition for review DENIED.

2nd Dist. People, Respondent  
B138837 v.  
Div. 6 Earl Duane Aelick, Appellant  
S094736 Petition for review DENIED.

2nd Dist. In re Shariah H., a Person Coming Under the Juvenile Court Law  
B139182 -----  
Div. 7 Department of Children and Family Services, Respondent  
S094893 v.  
Dianna H., Appellant  
Petition for review DENIED.

2nd Dist. People, Respondent  
B139222 v.  
Div. 3 Marco Antonio Rodriguez, Appellant  
S094603 Petition for review DENIED.

2nd Dist. People, Respondent  
B139386 v.  
Div. 6 Randall A. Edwards, Appellant  
S094618 Petitions for review DENIED.

2nd Dist. People, Respondent  
B139412 v.  
Div. 1 Frank W. Neider, Appellant  
S094672 Petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Appellant  
B140416 v.  
Div. 4 Jeffrey Shawn Puryear, Respondent  
S094734 Petition for review DENIED.

2nd Dist. B140451 Div. 2 S094729	People, Respondent v. Matthew L. Johnson, Appellant Petition for review DENIED.
2nd Dist. B141006 Div. 5 S094619	People, Respondent v. Claude Harper, Jr., Appellant Petition for review DENIED.
2nd Dist. B141220 Div. 6 S094731	People, Appellant v. Demetrie L. Taylor, Appellant Petition for review DENIED.
2nd Dist. B141486 Div. 5 S094696	People, Respondent v. Arturo Santos Lopez, Appellant Petition for review DENIED.
2nd Dist. B141816 Div. 5 S090535	Vicki Riechers, Petitioner v. Los Angeles County Superior Court, Respondent Apple One Employment Services Ltd., et al., Real Parties in Interest Petition for review DENIED.
2nd Dist. B146777 Div. 2 S095274	Aaron Brothers, Inc., Petitioner v. Los Angeles County Superior Court, Respondent Suzanne Collins, Real Party in Interest Application for stay and petition for review DENIED.
2nd Dist. B146958 Div. 7 S094650	Mark Pierre Morgan, Petitioner v. Los Angeles County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED.



2nd Dist.      Ira Paul, Petitioner  
B147526      v.  
Div. 5      Department of Consumer Affairs, Respondent  
S095309      Application for stay and petition for review DENIED.

2nd Dist.      B. Bar J., Inc., Petitioner  
B147925      v.  
Div. 7      Alcoholic Beverage Control Appeals Board, Respondent  
S095459      Department of Alcoholic Beverage Control, Real Party in Interest  
Application for stay and petition for review DENIED.

3rd Dist.      People, Respondent  
C032052      v.  
S094750      Darrell Simmons, Appellant  
Petition for review DENIED.

3rd Dist.      People, Respondent  
C032877      v.  
S094605      Michael William Cook, Appellant  
Petition for review DENIED.

3rd Dist.      Kofi Opong-Mensah, Appellant  
C034058      v.  
S094302      Steven B. Bassoff, et al., Respondents  
The request for judicial notice is granted.  
Petition for review DENIED.

3rd Dist.      People, Respondent  
C035260      v.  
S094822      Zane Martrell Hubbard, Appellant  
Petition for review DENIED.

3rd Dist.      People, Respondent  
C035387      v.  
S094648      Jack Brene Kirch, Appellant  
Petition for review DENIED.

3rd Dist.      Grady Davis, Petitioner  
C037324      v.  
S094470      Butte County Superior Court, Respondent  
Michael Ramsey, as District Attorney, etc., Real Party in Interest  
Petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

4th Dist.      People, Respondent  
D032660      v.  
Div. 1      Denail Shane Green, Appellant  
S094730      Petition for review DENIED.

4th Dist.      People, Respondent  
D033071      v.  
Div. 1      Marlin Deverill Carey, Appellant  
S094626      Petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

4th Dist.      Advance Checking Inc., Appellant  
D034408      v.  
Div. 1      Chexsystems, Respondent  
S094495      Petition for review DENIED.

4th Dist.      People, Respondent  
E022610      v.  
Div. 2      Anthony L. Faulk, Appellant  
S094578      Petition for review DENIED.

4th Dist.      People, Respondent  
E024154      v.  
E024158      Steven Michael Gonzales, Appellant  
Div. 2      Petition for review DENIED.  
S094548      Mosk, J., Kennard, J., and Werdegar, J., are of the opinion the  
petition should be granted.

4th Dist.      County of Riverside, et al., Petitioners  
E024277      v.  
Div. 2      Riverside County Superior Court, Respondent  
S081398      Lion's Lair Enterprises, Inc., Real Party in Interest  
Petition for review DENIED.

4th Dist. B.J.B., a California Limited Partnership et al.,  
E024886 Plaintiffs & Appellants  
E024887 v.  
Edwin L. Evans et al., Defendants and Respondents

Div. 2 -----  
S094687 Edwin L. Evans, et al., Defendants, Cross-defendants and  
Respondents  
v.  
B.J.B., a California Limited Partnership et al.,  
Defendants, Cross-complainants and Appellants  
Petition for review DENIED.

4th Dist. Laurel Homes Associates II, et al., Cross-complainants and  
E026115 Respondents  
Div. 2 v.  
S094762 Fidelity National Title Insurance Company, Cross-defendant and  
Appellant  
-----  
Laurel Homes Associates II, et al., Cross-complainant and  
Appellants  
v.  
Fidelity National Title Insurance Company, Cross-defendant and  
Respondent  
Petition for review DENIED.

4th Dist. People, Respondent  
E026384 v.  
Div. 2 Lillian C. Beason, Appellant  
S093934 Petition for review DENIED.

4th Dist. People, Respondent  
E026693 v.  
Div. 2 David Frederick Jennings, Appellant  
S094751 Petition for review DENIED.

4th Dist. People, Respondent  
E026711 v.  
Div. 2 Donny Raymond Estrada, Appellant  
S094098 Petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

4th Dist. E026782 Div. 2 S094632	People, Respondent v. Michael Edward King, Appellant Petition for review DENIED.
4th Dist. E026822 Div. 2 S094800	People, Respondent v. Daniel Lonnie Escudero, Appellant Petition for review DENIED.
4th Dist. E027114 Div. 2 S094868	In re the Marriage of Asad and Mary B. ----- Asad B., Respondent v. Mary B, Respondent San Bernardino County District Attorney, Appellant Petition for review DENIED.
4th Dist. E028339 Div. 2 S094616	People, Respondent v. German Engler Torres, Appellant Petition for review DENIED.
4th Dist. G021552 Div. 3 S094252	Ron Farnam, Appellant v. State of California, et al., Respondents Petition for review DENIED. Mosk, J., is of the opinion the petition should be granted. The request for an order directing depublication of the opinion is DENIED.
4th Dist. G028632 Div. 3 S095346	Huntington Beach Community Development Corporation, Petitioner v. Orange County Superior Court, Respondent McDonnell Douglas Corporation et al., Real Parties in Interest Application for stay and petition for review DENIED.
5th Dist. F028186 S093790	People, Respondent v. David Lee Joiner et al., Appellants Petition for review DENIED.

5th Dist. People, Respondent  
F028186 v.  
S093790 David Lee Joiner, et al., Appellants  
Petition for review DENIED.

5th Dist. People, Respondent  
F030623 v.  
F035101 Donald Ray Young, Appellant  
S093927 -----  
In re Donald Ray Young on Habeas Corpus  
Petitions for review DENIED.

5th Dist. People, Respondent  
F031124 v.  
S093863 Sonya Lee Grant, Appellant  
Petition for review DENIED.

5th Dist. People, Respondent  
F031763 v.  
S094615 Tomas Luna-Guevara, Appellant  
Petition for review DENIED.

5th Dist. People, Respondent  
F033509 v.  
S094681 David Soto Zamora, Appellant  
Petition for review DENIED.

5th Dist. People, Respondent  
F034107 v.  
S094637 Timothy Lee Ball, Appellant  
Petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

5th Dist. People, Appellant  
F034200 v.  
S094588 Richard Mendez Alvarez, Appellant  
Petition for review DENIED.

5th Dist. People, Respondent  
F034218 v.  
S094689 Andres Rodriguez Diaz, Appellant  
Petition for review DENIED.

5th Dist. In re Adam G., a Person Coming Under the Juvenile Court Law  
F034558 -----  
S094589 People, Respondent  
v.  
Adam G., Appellant  
Petition for review DENIED.

5th Dist. Gerald Tucker, Petitioner  
F037027 v.  
S094613 Tulare County Superior Court, Respondent  
People, Real Party in Interest  
Application for stay and petition for review DENIED.

5th Dist. In re James Peracchi  
F037064 on  
S093845 Habeas Corpus  
Petition for review DENIED.

6th Dist. People, Respondent  
H018722 v.  
S093993 Richard Carrasco, Appellant  
Petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

6th Dist. People, Respondent  
H018945 v.  
S094063 Reynaldo Alvarez Anaya, Appellant  
Petition for review DENIED.

6th Dist. People, Respondent  
H019461 v.  
S094190 Robert Earl Pattison, Appellant  
Petition for review DENIED.

6th Dist. People, Respondent  
H020161 v.  
S094595 Jose Luis Garcia, Appellant  
Petition for review DENIED.

6th Dist. People, Respondent  
H020266 v.  
S094250 James L. Alexander, Appellant  
Petition for review DENIED.

6th Dist. People, Respondent  
H020485 v.  
S094622 Bobby Ray House, Appellant  
Petition for review DENIED.

6th Dist. People, Respondent  
H020496 v.  
S093918 Jimmy Loya Lopez, Appellant  
Petition for review DENIED.

6th Dist. California Highway Patrol, Petitioner  
H020538 v.  
S093846 Santa Cruz County Superior Court, Respondent  
Luis Luna, Real Party in Interest  
Application for stay and petition for review DENIED.

6th Dist. People, Respondent  
H020545 v.  
S094586 Carl Eugene Harris, Appellant  
Petition for review DENIED.

6th Dist. People, Respondent  
H020799 v.  
S094694 Manse Sullivan, Appellant  
Petition for review DENIED.

6th Dist. People, Respondent

H019958 v.

S094724 Chung-Ta Hsieh, Appellant

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal, filed December 15, 2000, which appears at 86 Cal.App.4th 287. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

1st Dist. Bonanza Plumbing Inc. et al., Appellants

A088069 v.

Div. 3 Contractors State License Board, Respondent

S094344 The request for an order directing publication of the opinion in the above-entitled appeal is DENIED.

3rd Dist. Friends of Sacramento County, Appellant

C033738 v.

S093951 City of West Sacramento, Respondent

County of Sacramento, Intervener and Respondent

River City Baseball Investment Group, Real Party in Interest and Respondent

The request for an order directing publication of the opinion in the above-entitled appeal is DENIED.

4th Dist. Tuttle Engineering, Appellant

E025841 v.

Div. 2 G.M. Becman Development, inc. et al., Respondents

S093721 The request for an order directing publication of the opinion in the above-entitled appeal is DENIED.

4th Dist. People, Respondent

D036448 v.

Felipe Verde Lopez, Appellant

The time for granting review on the court's own motion is hereby extended to and including April 9k, 2001. (Cal. Rules of Court, rule 28(a)(1).)



S091289      In re Maxamiliano Rios  
                         on  
                         Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response is extended to and including March 23, 2001.

S024471      People, Respondent  
                         v.  
                         Paul Gregory Watson, Appellant

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for appellant Paul Gregory Watson, filed November 20, 2000, is granted.

The order appointing Francis Breidenbach as counsel of record for appellant Paul Gregory Watson, filed November 21, 1995, is hereby vacated.

The State Public Defender is hereby appointed as attorney of record for appellant Paul Gregory Watson for the direct appeal in the above automatic appeal now pending in this court.

Michael G. Millman, as Executive Director of the California Appellate Project, is hereby appointed to serve as interim habeas corpus/executive clemency counsel of record for appellant Paul Gregory Watson.

Francis Breidenbach is directed to deliver to the State Public Defender, within 30 days from the filing of this order, his copy of the record on appeal in *People v. Watson* and all transcript notes, appellate and habeas corpus "issues" lists, and all other appellate work product and habeas corpus investigation work product. Mr. Breidenbach also is directed to deliver to the State Public Defender, within 30 days from the filing of this order, all trial files, reports and related materials that he has obtained from appellant's trial counsel, paralegals, experts and investigators.

## 2nd Dist.      Transfer Orders

The following cases, now pending in the Court of Appeal, Second Appellate District, are transferred from Division Four to Division Six:

*B137982      The People v. David Vallier*

*B141721      The People v. Downey Earl Daniels*

## 2nd Dist.      Transfer Orders

The following cases, now pending in the Court of Appeal, Second Appellate District, are transferred from Division Four to Division Six:

*B142172      Shana Turner v. Gregory Turner*

*B142970      Curci-Turner Co. v. Village Properties*

